IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Arb.A.No. 23 of 2007

OP.ARB.124/2006 of II ADDL.DISTRICT COURT,ERNAKULAM
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APPELLANT/PETITIONER

M/S SHENOY CINEMAX, SHENOY CHAMBERS, SHANMUGHAM ROAD, ERNAKULAM, REPRESENTED BY ITS PARTNER A.S.SURESH SHENOY, AGED 47 YEARS, SON OF SREENIVASA SHENOY, RESIDING AT ERNAKULAM.

BY ADV. SRI.A.V.THOMAS

RESPONDENTS: RESPONDENTS
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1. **M/S REVATHI KALAMANDIR, REPRESENTED BY ITS PROPRIETRIX MRS.MENAKA SURESH, AGED 41 YEARS, WIFE OF SURESH KUMAR, TC 25/3425, VRINDAVAN, UPPALAM ROAD, VANCHIYOOR, THIRUVANANTHAPURAM.**

2. **PRASAD FILM LABORATORIES, 22, ARUNACHALAM ROAD, CHENNAI-600093.**

3. **PRASAD FILM LABORATORIES, FILM AND VIDEO PARK, KAZHAKKOTTAM, THIRUVANANTHAPURAM - 695585.**

BY ADV. SRI.S.SREEKUMAR

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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J.B.KOSHY & V.GIRI, JJ.

Arb. Appeal No.23 OF 2007

Dated 22nd August, 2007

JUDGMENT

Koshy,J.

This appeal is filed against the order passed by the District Court in a petition filed under Section 9 of the Arbitration and Conciliation Act. Apprehension of the appellant was that respondents will release the film `Seetha Kalyanam' before paying the amount due under the arbitration award. According to the court below, in the impugned order, since arbitration proceedings were over, it is for the parties to take steps for execution of the award and interim petition will not lie.

2. Counsel for the respondents submitted that immediately during Onam holidays or even for two months thereafter there is no plan for releasing the film `Seetha Kalyanam'. That is recorded. In the meanwhile, it is for the appellant to move the execution court for appropriate orders and it is for the respondents to raise all the contentions there. We agree with the finding of the learned District Judge that petition under Section 9 is not maintainable at this

stage.

The appeal is disposed of without prejudice to the right in taking remedies available to the appellant while executing the award.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

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